

UNITED STATES DISTRICT COURT FOR  
DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION

COMMONWEALTH OF  
MASSACHUSETTS,  
Plaintiff,

v.

Case No. \_\_\_\_\_

FLORIDA MEN'S MEDICAL CLINIC,  
LLC d/b/a MASSACHUSETTS MEN'S  
MEDICAL CLINIC, MASSACHUSETTS  
MEN'S MEDICAL et al,  
Defendants.

FILED  
IN CLERK'S OFFICE  
JUL 29 AM 9:13  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

NOTICE OF REMOVAL

Defendants, FLORIDA MEN'S MEDICAL CLINIC, LLC d/b/a MASSACHUSETTS MEN'S MEDICAL CLINIC, MASSACHUSETTS MEN'S MEDICAL, and MEN'S MEDICAL CLINIC, MEN'S MEDICAL CLINIC, LLC, KEVIN HORNSBY, M.D. and HEIDI HORNSBY, give Notice of Removal of the above-captioned action, filed as case no. 15-1968H, Superior Court Department, Commonwealth of Massachusetts, to the United States District Court for the District of Massachusetts, Boston Division. Removal is based on 28 U.S.C. sects 1332 and 1441 for diversity jurisdiction.

As grounds for removal, defendants state as follows:

**Background and Procedural Requirements**

1. On July 1, 2015, plaintiff, the Commonwealth of Massachusetts filed a complaint in the above-referenced state court proceeding alleging unfair and deceptive trade practices and seeking damages and injunctive relief against defendants.

2. Removal to Proper Court. Removal to this court is proper because it is part of the “district and division” embracing the place where this action was filed. 28 U.S.C. sect 1446(a).

3. Signature. This Notice of Removal is signed pursuant to Fed. R. Div. P. 11. 28 U.S.C. sect 1446(a).

4. Pleadings and Process. A copy of the complaint and summons are attached hereto as Exhibit “A,” and a copy of all other documents filed in the State Court action as of the date of removal are attached hereto as Exhibit “B.”

5. Notice. Attached hereto as Exhibit “C” is a copy of the Notice of Filing Notice of Removal that defendants will promptly serve on plaintiffs’ counsel and file with the clerk of the Superior Court. 28 U.S.C. sect. 1446(d).

6. Removal is Timely. Defendants were served with the summons and complaint on or after July 3, 2015. This Notice of Removal is being filed with the United States District Court for the District of Massachusetts within 30 days after receipt of the state court action. 28 U.S.C. sect 1446(b).

7. Consent to Removal. All defendants consent to removal and have signed this Notice of Removal.

**Diversity Jurisdiction**

8. This court has diversity jurisdiction under 28 U.S.C. sect 1332 and the action is one that may be removed pursuant to 28 U.S.C. sect 1441(b).

9. Citizenship of Parties. The plaintiff is the Commonwealth of Massachusetts and defendants are all citizens of Florida.

10. Amount in Controversy. There is more than \$75,000 in controversy. While defendants deny that plaintiff is entitled to recover any amount and specifically deny that plaintiff is entitled to the relief sought in the complaint, the complaint's allegations and the relief sought place an aggregated amount in controversy of more than \$75,000, exclusive of interests and costs.

WHEREFORE, this action should proceed in the United States District Court for the District of Massachusetts, Boston Division, as an action properly removed thereto.

I CERTIFY that a copy hereof has been furnished to: Emeliano Mazlen, Esquire, Commonwealth of Massachusetts, Assistant Attorney General, Health Care Division, 1 Ashburton Place, Boston, MA 02108; by U.S. Mail on July 28, 2015.

A handwritten signature in black ink, appearing to read "Kevin Hornsby", written over a horizontal line.

KEVIN HORNSBY, M.D.

Individually and as Managing Member  
of Men's Medical Clinic, LLC and  
Florida Men's Medical Clinic, LLC  
5728 Major Blvd., Suite 750  
Orlando, Florida 32819-7963  
DEFENDANTS

A handwritten signature in black ink, appearing to read "Heidi Hornsby", written over a horizontal line.

HEIDI HORNSBY  
DEFENDANT